

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-40 are currently pending in this application. Claims 14-31 were withdrawn from consideration. Claims 1, 9 and 32 are hereby amended.

It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §§ 102 & 103

Claims 1-10, 12-13, 32-33, 35-37 and 39-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent EP 0960975 to Davenport et al. (hereinafter merely "Davenport").

Claims 1-4, 6-11, 32-34, 37 and 39-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,753,085 to FitzPatrick.

Instant claim 1 recites, *inter alia*:

"A substrate ... comprising:

a plurality of preformed layers and a polymeric coating or impregnating material or rubber material that is part of each of said preformed layers,
wherein each preformed layer is a textile layer coated/impregnated with resin or the rubber material, and ...” (emphasis added)

As recited in the instant claims, the present invention relates to a substrate comprising a plurality of preformed layers and a polymeric coating or impregnating material or rubber material that is a part of each of these preformed layers. Each preformed layer is a textile layer coated/impregnated with resin or the rubber material, and at least one layer contains a matrix of reinforcing components.

In the Office Action, the Examiner states that the resin or rubber is a part of one of the layers. Applicant submits that the Examiner’s understanding of the instant invention is misconstrued. Applicant submits that the resin or rubber coating/impregnation is not part of “one” of the layers, but each of the preformed layers. Therefore the individual layers of preformed components are first coated or impregnated with a polymer resin and then combined to form the substrate of a belt for papermaking machine applications. That is, the substrate includes the individual components that have been coated or impregnated prior to fabrication for eventual construction of the belt. *Instant Application*, paragraph 27.

Davenport discloses that its primary base layer and secondary base layer are attached to one another by needling a staple fiber batt layer. Primary base layer, secondary base layer and staple fiber batt together form the fiber/base composite structure of Davenport. Polymeric resin material is later applied to this staple fiber batt. *Davenport*, paragraphs 49 - 56.

FitzPatrick discloses a nip press belt having a textile substrate impregnated and coated on at least one side with a polymeric resin material. FitzPatrick does not disclose the construction of multilayer structure as in the instant invention.

Clearly, contrary to the Examiner's contention, neither Davenport nor FitzPatrick's process would result in the final product as recited in the instant claims. In other words, neither Davenport nor FitzPatrick teach or disclose the above identified feature of claim 1. Specifically, neither Davenport nor FitzPatrick teach or suggest a substrate comprising a plurality of preformed layers and a polymeric coating or impregnating material or rubber material that is a part of each of these preformed layers, wherein each preformed layer is a textile layer coated/impregnated with resin or the rubber material, and at least one layer contains a matrix of reinforcing components, as recited in instant claim 1.

Accordingly, Applicant respectfully submits that the instant invention is distinguishing over the cited prior art and therefore requests the reconsideration and withdrawal of the rejections based upon Davenport and FitzPatrick in view of the foregoing reasons.

The remaining rejections were of claims dependent on either claim 1 or 32 and for the foregoing reasons should also be allowed.

CONCLUSION


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to
Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read 'Ronald R. Santucci', written over a horizontal line.

Ronald R. Santucci

Reg. No. 28,988

(212) 588-0800